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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
STATE BOARD OF DRINKING WATER

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TO: Boulder Canyon Water Association Water System
Water System NO. 1500521

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Attn: Linda Halterman, Vice President
Boulder Canyon Water Association
P. O. Box 85
Lake Isabella, CA 93240

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CERTIFIED MAIL

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**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTIONS 64426.1(b)(2) AND 64426.1(b)(4)**

18
19

February 2016

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CITATION NO. 03_19_16C_030

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Issued on May 13, 2016

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STATEMENT OF FACTS

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Boulder Canyon Water Association Water System (hereinafter Water System) is classified as a community water system and serves a population of approximately 28 persons through 24 service connections. The Water System has two sources of supply, Well 01 (PS Code: 1500521-001), Well 02 (PS Code 1500521-002), and four (4) 10,000-gallon storage tanks. Only Well 02 is currently active. No treatment is provided to the well water. The Water System operates under the authority of domestic water supply permit No. 521, issued on January 24, 1983, by the Kern

1 County Environmental Health Services Department, and now is under regulatory
2 jurisdiction of the State Water Resources Control Board (hereinafter "State Board"),
3 Division of Drinking Water.

4
5 Section 116650 of the California Health and Safety Code authorizes the issuance of a
6 citation to a public water system for violation of the California Safe Drinking Water
7 Act (Health and Safety Code, State Board 104, Part 12, Chapter 4, commencing with
8 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
9 or order issued or adopted thereunder.

10
11 The State Water Resources Control Board, acting by and through its Division of
12 Drinking Water and the Deputy Director for the Division of Drinking Water
13 (hereinafter "Deputy Director"), hereby issues a citation to Boulder Canyon Water
14 Association (mailing address: P. O. Box 85, Lake Isabella, CA 93240) for violation of
15 California Code of Regulations (CCR), Title 22, Sections 64426.1 subsection (b)(2)
16 and 64426.1(b)(4).

- 17
- 18 • The Water System collects one (1) routine distribution system bacteriological
19 sample per month.
 - 20 • One (1) routine bacteriological quality sample collected on February 10, 2016,
21 from the distribution system, **tested positive for total coliform bacteria and**
22 ***E. coli* bacteria.**
 - 23 • All five (5) repeat bacteriological samples collected on February 12, 2016,
24 from the distribution system, tested positive for total coliform bacteria. One
25 (1) of the repeat total coliform positive samples, collected from Common Tank
26 Header #2, also tested positive for *E. coli* bacteria.
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- **Boulder Canyon Water Association Water System failed the total coliform maximum contaminant level (MCL) for February 2016 [Sections 64426.1(b)(2) and 64426.1(b)(4), *Authorities*].**
 - Two (2) repeat samples (also counted towards Ground Water Rule compliance), one from each of the Water System wells (Well 01 and Well 02), both showed the presence of total coliform bacteria (1.0 MPN/100 mL) when analyzed by the Most Probable Number method. The wells did not show the presence of *E. coli* bacteria.
 - On February 12, 2016, the Water System notified the State Board by telephone of the routine *E. coli* positive sample
 - On February 12, 2016, the State Board issued a Tier 1 Boil Water Notice (BWN) to the Water System, in response to the positive *E. coli* sample, collected on February 10, 2016.
 - On February 12, 2016, the State Board emailed a blank investigation form to the Water System to identify the cause of bacteriological contamination and discuss the corrective actions taken by the Water System.
 - During the weekend of February 13-14, 2016, the Water System provided emergency disinfection and flushing of wells, tanks and distribution system.
 - On February 16, 2016, seven (7) samples from the distribution system, and one (1) sample from each of the two (2) Water System wells were collected. All nine (9) samples tested negative for total coliform bacteria.

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- On February 19, 2016, a second set of seven (7) samples from the distribution system, and one (1) sample from each of the two (2) Water System wells was collected. All nine (9) samples tested negative for total coliform bacteria.
 - On February 22, 2016, the State Board received a completed investigation report. The investigation report was completed by Dan Sackett, the Water System's contract sampler and certified distribution operator. According to the investigation report, the cause of contamination may be not providing proper disinfection after making repairs to the system, prior to collection of the routine sample on February 10, 2016. The report did not identify any cause of total coliform positive samples from the wells.
 - Based on two consecutive sets of total coliform negative samples and corrective actions taken by the Water System, the State Board issued a Safe Water Notice (SWN) on February 23, 2016, cancelling the Boil Water Notice issued on January 14, 2016.
 - Five (5) routine bacteriological quality samples collected on March 30, 2016, from the distribution system, tested negative for total coliform bacteria.
 - One (1) routine bacteriological quality sample collected on April 27, 2016, from the distribution system, tested negative for total coliform bacteria.
 - Results of all (source and distribution) bacteriological samples collected from January 2015 to April 2016 are summarized in **Attachment A**.

AUTHORITIES

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Section 116577 of the CHSC, states in relevant part:

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“(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section.”...

Section 116650 of the CHSC, states in relevant part:

“(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subsection (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.”

Section 116655 of the CHSC, states in relevant part:

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the State Board determines that the Boulder Canyon Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for February 2016, when more than one sample collected in February 2016, tested positive for total coliform bacteria.

- 1 2. CCR, Title 22, Section 64426.1(b)(4); Specifically, during the month of
2 February 2016, one routine distribution system sample tested positive for *E.coli*
3 bacteria.

4 The above violations are classified as non-continuing violations.

5
6 **DIRECTIVES**

7 Boulder Canyon Water Association Water System is hereby directed to take the
8 following actions:

- 9
10 1. Cease and desist from failing to comply with Section 116555(a) of the
11 California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and
12 64426.1(b)(4) of Title 22, California Code of Regulations.
- 13 2. In the future, the Water System shall provide proper disinfection treatment
14 after making repairs to domestic water supply system components.
- 15
16 3. The Water System shall reimburse the State Board, in accordance with an
17 invoice that shall be provided to the Water System, the costs for enforcement
18 activities, and such reimbursement shall be made prior to September 1 (or by a
19 different date if specified by the State Board) of the fiscal year following the
20 fiscal year in which such costs are incurred as described in CHSC Sections
21 116577(a)(1-2) and 116577(b).

22 **FURTHER ENFORCEMENT ACTIONS**

23 Section 116270, Chapter 4, Part 12, State Board 104 of the CHSC authorizes the State
24 Board to: issue additional citations with assessment of penalties if a public water
25 system continues to fail or correct a violation identified in a citation; take action to
26 suspend or revoke a permit that has been issued to a public water system if the system
27 has violated applicable law or regulations or has failed to comply with orders of the

1 State Board; and petition the superior court to take various enforcement measures
2 against a public water system that has failed to comply with orders of the State Board.
3 The State Board does not waive any further enforcement action by issuance of this
4 citation.

5
6 **PARTIES BOUND**

7 This citation shall apply to and be binding upon Boulder Canyon Water System, its
8 officers, directors, agents, employees, contractors, successors, and assignees.

9
10 **SEVERABILITY**

11 The directives of this citation are severable, and Boulder Canyon Water System shall
12 comply with each and every provision thereof, notwithstanding the effectiveness of
13 any other provision.

14
15 **CIVIL PENALTIES**

16 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a
17 civil penalty for failure to comply with the requirements of the Safe Drinking Water
18 Act. Failure to comply with any provision of this Citation may result in the State
19 Board imposing an administrative penalty of not less than \$200 (two hundred dollars)
20 per day as of the date of violation of any provision of this Citation.

21
22 May 13, 2016
23 Date

24 Jaswinder S. Dhaliwal
25 Jaswinder S. Dhaliwal, P.E.
26 Senior Sanitary Engineer
27 Drinking Water Field Operations Branch

28 Certified Mail No. 70151520 0000 4433 1891

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ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – April 2016

CC: Kern County Environmental Health Services Department (w/o attachment)
Dan Sackett, sKOO'kum h2o monitoring, inc.

JSD/dc

Attachment A

Boulder Canyon Water Association

1500521

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/28/2015	15:59	1ROU	A	A		Routine			
1/28/2015	15:59	1-ROU	A	A		Routine			
2/11/2015	16:55	2ROU	A	A		Routine			
3/16/2015	15:50	3ROU	A	A		Routine			
4/8/2015	19:54	4ROU	A	A		Routine			
5/20/2015	14:08	5ROU	A	A		Routine			
6/17/2015	15:55	1ROU	A	A		Routine			
7/22/2015	19:00	2ROU	P	A		Routine			
7/27/2015	15:15	1REP2	A	A		Repeat			
7/27/2015	15:18	1REP3	A	A		Repeat			
7/27/2015	15:20	1REP1	A	A		Repeat			
8/26/2015	16:15	1ROU	A	A		Routine			
8/26/2015	16:21	2ROU	A	A		Routine			
8/26/2015	16:26	3ROU	A	A		Routine			
8/26/2015	16:33	4ROU	A	A		Routine			
8/26/2015	16:55	5ROU	A	A		Routine			
9/28/2015	14:37	4ROU	A	A		Routine			
10/21/2015	18:20	5ROU	A	A		Routine			
11/10/2015	16:40	1ROU	A	A		Routine			
12/8/2015	17:49	2ROU	A	A		Routine			
1/13/2016	15:17	3ROU	A	A		Routine			
2/10/2016	15:46	2 ROU	P	P		Routine			
2/12/2016	17:30	COMMON TANK	P	A		Repeat			
2/12/2016	17:35	COMMON TANK	P	P		Repeat			
2/12/2016	17:40	COMMON TANK	P	A		Repeat			
2/12/2016	18:00	2ROU	P	A		Repeat			TC MCL - Cit #03-19-16C-030 issued.
2/12/2016	18:06	1REP1	P	A		Repeat			
2/12/2016	18:16	1REP2	P	A		Repeat			
2/16/2016	14:00	COMMON TANK	A	A		Other	2.10		
2/16/2016	14:10	1ROU	A	A		Other	3.20		
2/16/2016	14:15	4ROU	A	A		Other			
2/16/2016	14:22	2ROU	A	A		Other	2.25		
2/16/2016	14:31	3ROU	A	A		Other	3.00		
2/16/2016	14:40	LOWER FIRE HY	A	A		Other	3.09		
2/16/2016	15:35	5ROU	A	A		Other	3.12		
2/19/2016	8:34	LOWER FIRE HY	A	A		Other			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
2/19/2016	8:41	5ROU	A	A		Other			
2/19/2016	8:54	3ROU	A	A		Other			
2/19/2016	8:59	2ROU	A	A		Other			
2/19/2016	9:04	1ROU	A	A		Other	1.70		
2/19/2016	9:09	4ROU	A	A		Other			
2/19/2016	9:17	COMMON TANK	A	A		Other			
3/30/2016	15:40	1ROU	A	A		Routine			
3/30/2016	15:56	2ROU	A	A		Routine			
3/30/2016	16:00	3ROU	A	A		Routine			
3/30/2016	16:10	4ROU	A	A		Routine			
3/30/2016	16:15	5ROU	A	A		Routine			
4/27/2016	15:20	4ROU	A	A		Routine			

Boulder Canyon Water Association

1500521

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
7/27/2015	15:00	WELL #1	A	A			
7/27/2015	15:07	WELL #2	A	A			
2/12/2016	17:10	WELL 1	1.0	0			
2/12/2016	17:20	WELL 2	1.0	0			
2/16/2016	13:48	WELL 2	A	A			
2/16/2016	13:55	WELL 1	A	A			
2/19/2016	8:20	WELL 2	0	0			
2/19/2016	8:23	WELL 1	0	0			
